

REMARKS

With respect to the Examiner's objection to the disclosure at paragraph 12, line 4, Applicant has amended the specification to include the proper Figure number.

The Examiner has also made objections to many of the claims because of the informalities identified on page 2 of the outstanding Office Action under the subtitle **CLAIM OBJECTIONS**. With respect to all such claims remaining in the present case, Applicant has amended all such claims in accordance with the suggestions set forth by the Examiner in the outstanding Office Action.

Claim 6 stands rejected under 35 U.S.C. §112 for the reasons set forth on pages 2 and 3 of the outstanding Office Action. Applicant has cancelled claim 6 therefore rendering this rejection moot.

Claims 1-11, 13-18 and 20-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Green U.S. Patent No. 3,256,628. Green discloses a detachable display card which can be mounted either on the top of a gas pump housing having a globe projecting therefrom as illustrated in Figs. 6-9, or for mounting on a gas pump housing having a pair of spaced apart retaining strips mounted adjacent opposite edges of the top wall of the pump housing as illustrated in Figs. 1-5. Applicant has amended claims 1, 8, 9, 13, 20, 28, 29 and Applicant has added new claim 30 to clearly distinguish over the Green reference.

In this regard, claim 1 has been amended to specifically recite that the present advertising display unit is for attachment to a rigid guard structure which is fixedly secured to the ground. This is not true of the Green reference wherein the Green display card is mounted to the top of a

gas pump. Still further, claim 1 has been amended to specifically recite that the web structure is removably attachable between the panels and that such structure circumscribes substantially the entire perimeter of the top and opposed side portions of the opposed panels. This is clearly not true in any embodiment of the Green display card wherein the so-called web structure 34, 38 and 40 is permanently attached to the overall card structure. This is not true in the present device wherein the web structures 26 and 39 are removably attachable to the opposed panels 7. As a result, claim 1 is clearly and patentably distinguishable over the Green reference and is not anticipated by such reference.

With respect to claim 9, the Examiner has indicated that the Green reference discloses the use of holes which are spaced vertically in the positions shown in Figs. 6 and 7. Applicants respectfully disagree. The openings 50, 53, 54 and 56 are located on a flange 32 which is rotatably foldable as best shown in Figs. 6 and 9 such that the openings 50, 53, 54 and 56 are folded into registration with the openings 60, 62, 64 and 66 as best illustrated in Fig. 9. When in their final configuration, the Green openings lie in registration with each other, they are not vertically spaced as required by claim 9. In addition, claim 9 also requires that each row of holes is capable of receiving a different tie member. This is not true of the Green reference wherein the row of holes 50, 53, 54 and 56 is not vertically spaced in its final configuration from the row of holes 60, 62, 64 and 66. As a result, claim 9 clearly and patentably distinguishable over the Green reference.

Claim 9 also stands rejected under 35 U.S.C. §103(a) as being unpatentable over Green in further view of the Snyder reference. Claim 9 is dependent upon claim 1 and specifically includes all of the limitations of claim 1. One of such limitations relates to a removably

attachable web structure. Neither the Green reference nor the Snyder reference disclose such a feature. For these and other reasons, claim 9 is clearly and patentably distinguishable over both the Green reference and the Snyder reference, alone or in combination

With respect to claim 13, the Examiner has indicated that one of the flaps 38 or 40 associated with the side portions of the Green device could be used and considered to be a spacer. Applicants have further amended claim 13 to specifically require that the spacer member be spaced from the opposite side portions of the display panels. This is clearly not true of the Green device wherein the flaps 38 and 40 do not function as a spacer member as described and disclosed in the present application, but merely function as flap members to close a portion of the side portions of the Green display card. In addition, claim 13 specifically requires that the spacer member have a depth approximately equal to the depth of the guard structure. This again is not true of the Green flaps 38 or 40. As a result, claim 13 is likewise clearly and patentably distinguishable over the Green reference.

Claim 20 has been specifically amended to again require that the present advertising display unit be attached to a guard structure having at least one upright member associated therewith fixedly secured to the ground and that the opposed display panels each include a plurality of rows of openings extending across the lower portion of each display panel. Here again, this is clearly not true of any embodiment of the Green display card wherein such card is not attachable to a guard structure fixedly secured to the ground, nor does the Green display card include a plurality of rows of openings extending across the lower portion of the display panel. Still further, claim 20 specifically requires that at least some of the plurality of rows of openings be positioned in vertically spaced relationship to each other so as to lie adjacent the at least one

upright member associated with the guard structure when the display unit is positioned thereover. As clearly shown in Figs. 8 and 9 of the Green reference, there is only one row of openings associated with the Green display card. Still further, claim 20 specifically requires that attachment means extend through selected openings associated with each of the display panels and that such attachment means pull a portion of each display panel into engagement with the at least one upright member associated with the guard structure. Clearly, the globe illustrated in Figs. 6-9 of the Green reference does not constitute a guard structure having at least one upright member fixedly secured to the ground, nor does the Green reference disclose attachment means for pulling a portion of each display panel into engagement with at least one upright member associated with the guard structure. Here again, claim 20 is clearly and patentably distinguishable over the cited Green reference.

With respect to claim 28, Applicants have again amended claim 28 to specifically recite that the present advertising display unit is for attachment to a guard structure having at least two upright supports associated therewith fixedly secured to the ground, and that each display panel includes a plurality of openings such that at least a pair of openings are located respectively in the vicinity of each of the at least two upright supports associated with the guard structure when the advertising display unit is positioned thereover. Here again, no such construction is disclosed in any of the Green display card embodiments. Still further, claim 28 specifically requires that a plurality of tie members be utilized for securing and attaching the display unit to the at least two upright supports associated with the guard structure, and that the plurality of tie members pull a portion of each display panel into engagement with the at least two upright supports associated with the guard structure. In other words, as best illustrated in Fig. 2 of the

present application, at least one tie member is utilized for attaching each respective upright support member to the present sign structure, and where a plurality of rows of openings are utilized, more than one tie member can be utilized to secure and attach the present sign structure to each respective upright support associated with the guard structure. This is not true in the Green device wherein a single tie member is utilized to attach the Green display card to the globe associated with the top of a gas pump housing. Also, for the reasons previously explained, the globe disclosed in the Green reference is not in any way similar or equivalent to a guard structure having at least two upright supports fixedly secured to the ground. For these and other reasons, claim 28 is clearly and patentably distinguishable over the Green reference.

Claim 29 has likewise been amended along the same lines as previously discussed so as to clarify that the present advertising display unit is for attachment to a guard structure having at least two spaced apart upright supports associated therewith which are fixedly secured to the ground and that each display panel associated with the present sign structure includes a plurality of openings, and that some of such openings are located adjacent each of the at least two upright supports associated with the guard structure and that a plurality of tie members are positionable within selected openings associated with at least one of the display panels for attaching the sign structure to the at least two upright supports associated with the guard structure. For all of the reasons discussed above, this structure is not disclosed in the Green reference. Claim 29 is therefore clearly and patentably distinguishable over the Green reference.

New claim 30 has likewise been added to the present application. New claim 30 is similar to other independent claims in that it clarifies that the present display unit is for attachment to a guard structure fixedly secured to the ground, and that the present display unit

includes at least one spacer member positioned between the pair of opposed panels and spaced from the opposed side portions of said panels, and that the at least one spacer member has a depth approximately equal to the spacing between the opposed panels when the guard structure is positioned therebetween. No such spacer member is disclosed in the Green reference. As previously explained above, the flaps 30 or 48 do not, in Applicants' opinion, function as spacer members, and even if they are considered to be spacer members, said spacer members are not spaced from the opposed side portions of the display panels. Instead, in the Green construction, the flaps 38 and 40 are fixedly attached and form the side portions of the display card. They are not located intermediate the opposed side portions of the Green display panels. For this reason, claim 30 is likewise clearly and patentably distinguishable over the Green reference.

Applicants also respectfully point out that amendment of the independent claims to recite in the preamble of such claims that the guard structure is fixedly secured to the ground is a limitation of the present claims including the fact that such guard structure may include at least one upright support, or at least two upright supports fixedly secured to the ground. Applicants advertising display unit is made specifically for attachment to such a guard structure as clearly disclosed in the present application and as now clearly recited in the preamble of each independent claim.

It is now believed that all of the pending claims in the present application, namely, claims 1-5, 7-16, 19-22, 25-29 and new claim 30 contain limitations and restrictions which patentably distinguish them over the cited prior art. None of the cited references, either alone or in any combination thereof, disclose or suggest all of the novel features associated with the present advertising display unit, nor do the prior art constructions provide the specific advantages and

Application of: Andrew J. Boron
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Amendment A

objectives obtained by the present invention. Favorable action and allowance of the claims is therefore respectfully requested.

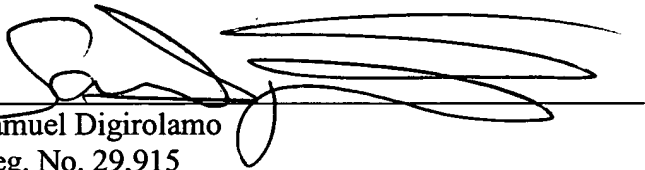
Applicants' request for extension of time under 37 CFR 1.136(a) as well as Applicants' petition fees are enclosed herewith and filed simultaneously with this response.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: _____

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